

AUG 03 2009

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

In the Matter of: JAMES W. KEENAN,

Debtor.

No. 08-55317

D.C. No. CV-07-01074-W

SUPPA, TRUCCHI & HENEIN, LLP; et
al.,

Appellants,

v.

ROSS M. PYLE; et al.,

Appellees.

MEMORANDUM^{*}

Appeal from the United States District Court
for the Southern District of California
Thomas J. Whelan, District Judge, Presiding

Submitted July 29, 2009^{**}

^{*} This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

^{**} The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

Before: WALLACE, LEAVY, and HAWKINS, Circuit Judges.

Samy Henein and Suppa, Trucchi & Henein (“appellants”) appeal from a district court order affirming the bankruptcy court’s imposition of sanctions for violation of Bankruptcy Rule 9011 in the filing of a disqualification motion. We have jurisdiction pursuant to 28 U.S.C. § 158(d). We review decisions of the bankruptcy court independently without deference to the district court’s determinations. *Leichty v. Neary (In re Strand)*, 375 F.3d 854, 857 (9th Cir. 2004). We affirm.

The record indicates that appellants filed their motion for improper purposes, with a dubious legal basis, and without evidentiary support, and, thus, the bankruptcy court did not abuse its discretion by imposing sanctions under Rule 9011. *See Marsch v. Marsch (In re Marsch)*, 36 F.3d 825, 831 (9th Cir. 1994) (per curiam) (concluding that the bankruptcy court did not abuse its discretion by imposing sanctions based on the filing’s “flimsy legal basis” and a showing of improper purpose); *Leavitt v. Soto (In re Leavitt)*, 171 F.3d 1219, 1223 (9th Cir. 1999) (“The appellate court may affirm the lower court on any ground fairly supported by the record.”).

AFFIRMED.